

PATENT
Docket No.: HJ06036USU (P01003US)

II. Remarks

A. STATUS SUMMARY

Claims 1-8, 14-17, 21-24, 26 and 28-32 are pending in the present application, all of which are rejected. Claims 1, 2, 4, 7, 14-17, 21, 22, 26, 28 and 32 have been amended, and claims 5, 6, 23 and 24 have been cancelled. Accordingly, claims 1-4, 7, 8, 14-17, 21, 22, 26 and 28-32 remain pending and at issue. Based on the following remarks, favorable reconsideration of the pending claims is respectfully requested.

B. CLAIM REJECTIONS

Claims 1-5, 7, 8, 14, 17, 21-24, 26, 28, 29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Darbee et al. (U.S. Patent 5,552,917).

Claims 6, 15, 16, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee alone.

C. ARGUMENTS

i. Anticipation by Darbee

The Examiner rejected claims 1-5, 7, 8, 14, 17, 21-24, 26, 28, 29 and 32 under 35 U.S.C. 102(b) as being anticipated by Darbee et al. (U.S. Patent 5,552,917). Applicants respectfully disagree.

Independent claim 1 as amended requires, “a plurality of transmitters capable of communicating with the processor where the processor directs the transmitter to simultaneously send automatically the signals to each electronic device in the plurality of electronic devices.” As admitted by the Examiner, “Darbee does not explicitly teach that the remote control including a plurality of transmitters for simultaneously transmitting a

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plurality of signal[s] to the plurality of electronic device[s]." Therefore, because Darbee does not teach each and every limitation of claim 1, Darbee cannot anticipate this claim.

Similar to claim 1, each of the remaining independent claims (claims 4, 17, 21, 26 and 32) generally require a plurality of transmitters for simultaneously sending a plurality of signals. Specifically, claims 4, 17, 21, 26 and 32 recite the following: Claim 4 ("a plurality of transmitters capable of communicating with the processor where the processor directs the transmitters to simultaneously send the signals to each electronic device in the plurality of electronic devices"); Claim 17 ("a plurality of transmitters for automatically and simultaneously sending the signals for each electronic device in the plurality of electronic devices"); Claim 21 ("simultaneously transmitting the turn on or off signals to each of the plurality of electronic devices via a plurality of transmitters"); Claim 26 ("wherein the remote control includes a plurality of transmitters capable of simultaneously sending the turn on or off signal to each electronic device in the plurality of electronic devices"); and Claim 32 ("a remote control [having] a dedicated on button to turn on the plurality of electronic devices by simultaneously sending signals ... to each of the plurality of electronic devices via a plurality of transmitters").

Accordingly, for the same reason claim 1 is not anticipate by Darbee, claims 4, 27, 21, 26 and 32 are not anticipate by Darbee either. Moreover, for the same reason the independent claims are not anticipated by Darbee, the remaining dependent claims are also not anticipate by Darbee.

ii. Obviousness over Darbee

The Examiner rejected claims 6, 15, 16, 30 and 31 under 35 U.S.C. 103(a) as being unpatentable over Darbee alone. Applicants respectfully disagree.

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As explained above, each of the now pending claims generally recites a “plurality of transmitters” for “simultaneously” sending a plurality of signals. Again, as admitted by the Examiner, this limitation is not disclosed in Darbee. Moreover, as set forth below, it would not have been an obvious design choice, in view of Darbee, “to integrate a plurality of transmitters into the remote control [of Darbee] for simultaneously transmitting a plurality of signals,” as alleged by the Examiner. (June 8, 2005 Final Office Action, p. 6).

The Examiner has failed to establish a *prima facie* showing of obviousness. The Supreme Court has stated that “it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense is already known.” *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). The Supreme Court further indicated that with respect to whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue, the analysis should be made explicit. *KSR International* at 1740-1741, citing *In re Kahn*, 441 F.3d. 977, 988 (Fed. Cir. 2006)(“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some underpinning to support the legal conclusion of obviousness”).

Here, the Examiner has failed to articulate anything more than a conclusory statement that “it is a matter of design choice to integrate a plurality of transmitters into

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the remote control [of Darbee] for simultaneously transmitting a plurality of signals.”
(June 8, 2005 Final Office Action, p. 6).

Furthermore, according to the MPEP, “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP §2143.01(III). Here, the Examiner has identified no suggestion or motivation in the art to modify Darbee as asserted. Moreover, “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” MPEP §2143.01(VI). *See also In re Gal*, 980 F.2d 717 (Fed. Cir. 1992) (finding the claimed invention was not an “obvious design choice” because “the different structures of [Applicant’s invention] and [the prior art] achieve different purposes.”). Here, the proposed modification of the structure of Darbee (i.e., to include a plurality of transmitters to simultaneously send signals to a plurality of devices) would change the principle of operation (i.e., sequential transmitting of signals) of Darbee.

Because the Examiner has failed to make the necessary showing of obviousness, and moreover it would not, in fact, have been simply a “matter of design choice” to modify Darbee to include a plurality of transmitters so as to send a plurality of signals simultaneously, none of the pending claims are obvious in view of Darbee.

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II. Conclusion

Applicant respectfully submits that in view of the above remarks, the pending claims are in condition for allowance, and an early notice to such effect is earnestly solicited. If any small matter should remain outstanding after the Examiner has had an opportunity to review the above Amendments and Remarks, then the Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Respectfully submitted,

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Date:

11/9/07



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